IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 15685 of 2004

Between:

Saraswathi Lakshmi Kumari W/o Venkateswarlu
Samaja Abhivruddhi Sangham No.1 Ongole Town, Door No. 20-5-51,
Vantavari Colony, Ongole, Prakasam District

..... PETITIONER

AND

1 The District Collector, Ongole, Prakasham District
2 The Municipal Commissioner, Ongole, Ongole Municipality, Prakasam

District.
3 Telukutla Ananthamma, W/o Papaiah, Door No. 5-167, Ward No.2

Chandraiah Nagar, Ongole, Prakasam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court MAY be pleased to issue appropriate Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 and 2 in not directing the third respondent to hand over the charge including accounts and all to the petitioner in spite of termination of the old committee as illegal, arbitrary and unconstitutional and consequently direct the respondents 1 and 2 to direct the respondent No.3 to hand over the charge along with the accounts to enable the petitioner-society to conduct their day-to-day business.

Counsel for the Petitioner: MR.N.RAVI PRASAD

Counsel for the Respondents 1: GP FOR COOPERATION

Counsel for the Respondent No.2: MR. D. SRINIVAS

The Court made the following :

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.15685 OF 2004

-

ORDER:

Saraswathi Lakshmi Kumari, who is allegedly elected President of Samaja Abhivruddhi Sangham No.1, Ongole Town, seeks a direction to respondents 1 and 2 to pass necessary orders compelling the third respondent, the out going President of the said Sangham to handover charge including accounts to the petitioner.

Samaja Abhivruddhi Sangham is a society registered under the A.P.Societies Registration Act, 2001 (the Act, for brevity). It is the case of the petitioner that as the third respondent was not discharging duties as President in accordance with the Act and bye-laws of the Society, the General Body was convened in the month of December, 2003 and the petitioner was elected President and new body of members are also elected. In spite of the same, the third respondent did not handover the charge to the new Committee and hence, the writ petition is filed.

Learned counsel for the petitioner is not able to place before me any provision of law, which requires respondents 1 and 2 as public authorities to compel the President of Society registered under the Act, to hand over the records. Under Section 23 of the said Act, in the event of any dispute arising among the committee or the members of the Society relating to the affairs of the Society, such a dispute has to be resolved under the provisions of Arbitration and Conciliation Act, 1996 by filing application before the District Court. No role is assigned to the District Collector or Municipal Commissioner under the Act. The grievance in this writ petition is essentially in relation to the dispute between the petitioner, who is allegedly elected new President and outgoing President, and such matter squarely falls within the ambit of Section 23 of the Act.

The writ petition is misconceived and is accordingly dismissed.

_____

(V.V.S.RAO,J)

02.09.2004.

pln

To

1. The District Collector, Ongole, Prakasam District.
2. The Municipal Commissioner, Ongole, Ongole Muncipality.
3. 2 CCs to the G.P. for Cooperation, High Court Buildings, Hyderabad (OUT).
4. 2 CD copies.